



MICHAEL N. FEUER, City Attorney (SBN 11529x) [No Fee – Gov. Code § 6103]
THOMAS H. PETERS, Chief Deputy City Attorney (SBN 163383)
RONALD S. WHITAKER, Assistant City Attorney (SBN 106683)
GERALD SATO, Deputy City Attorney (SBN 82780)
200 N. Main Street, City Hall East, 9th Floor, Rm. 916
Los Angeles, CA 90012-4129
Telephone (213) 473-6875
Facsimile (213) 473-6818
Email: Gerald.Sato@lacity.org

Attorneys for Respondent CITY OF LOS ANGELES

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CYNTHIA ANDERSON-BARKER

Petitioner,

vs.

CITY OF LOS ANGELES, a municipal
corporation,

Respondent.

CASE NO. BS 159845

Assigned to the Hon. Carolyn O'Donnell
Judge of the Superior Court
Department 86

ANSWER

Petition for Writ of Mandate filed January 27, 2016

Respondent CITY OF LOS ANGELES for itself and no other respondent answers the Petition
for Writ of Mandate of petitioner CYNTHIA ANDERSON-BARKER as follows:

1. Answering paragraph 3, Respondent admits that the CITY OF LOS ANGELES ("City") is a
Charter City under the Constitution of the State of California, can be a "local agency" under the
California Public Records Act (CPRA), and generally and specifically denies each and every other
material allegation of fact therein. As a Charter City, Respondent's Answer need not be verified.

2. Answering paragraph 7, Respondent generally and specifically denies each and every material allegation of fact therein, and specifically denies that CHP 180 and related VIIC data are exempt from the disclosure requirements of the CPRA.

3. Answering paragraph 7, Respondent admits that Exhibit A purports to be a written request for public records submitted by petitioner to the addressees indicated.

4. Answering paragraph 2(sic) on page 3 of the petition, Respondent generally and specifically denies each and every material allegation of fact therein.

5. Answering paragraph 3(sic) on page 3 of the petition, Respondent generally and specifically denies each and every material allegation of fact asserted therein.

6. Answering paragraph 4(sic) on page 3 of the petition, Respondent generally and specifically denies each and every material allegation of fact asserted therein.

7. Answering paragraph 5(sic) beginning on page 3 and paragraph 6 (sic) beginning on page 4 of the petition, said paragraph appears to consist entirely of legal argument not requiring a response in this Answer.

8. Answering paragraph 7 (sic) on page 4 of the petition and paragraph 8, said paragraphs appear to be part of the prayer for relief and contain no material allegations of fact.

AFFIRMATIVE DEFENSES

13. **First Affirmative Defense.** The petition fails to state facts sufficient to constitute any cause or causes of action against respondent, or the breach of or non-compliance with any ministerial duty imposed by law committed by the Respondent.

14. **Second Affirmative Defense.** The petition is barred by statute of limitation, laches, res judicata, collateral estoppel, and failure to exhaust administrative and judicial remedies.

15. **Third Affirmative Defense.** Respondent has at all times been prepared and remains prepared to assist petitioner in articulating her request for public records within the scope of the CPRA, but respondent's own conduct has prevented respondent from performing this duty.

16. **Fourth Affirmative Defense.** Petitioner's action is barred by unclean hands.

/ /

1 WHEREFORE Respondent CITY OF LOS ANGELES prays that Judgment be entered in its
2 favor against plaintiffs as follows:

- 3 1. That the Petition for Writ of Mandate be denied and this proceeding dismissed with
4 prejudice.
5 2. That Respondent be awarded its costs of suit.
6 3. That Respondent be awarded such further affirmative relief deemed necessary and proper by
7 the Court.
8

9 DATED: February 25, 2016

10 MICHAEL N. FEUER, City Attorney
11 THOMAS H. PETERS, Chief Deputy City Attorney
12 RONALD S. WHITAKER, Assistant City Attorney
13 GERALD M. SATO, Deputy City Attorney

14
15 By: 

GERALD SATO

Deputy City Attorney

Attorneys for Respondent CITY OF LOS ANGELES
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1 PROOF OF SERVICE

2
3 I declare that I am and was at all times herein mentioned over the age of eighteen
4 years and not a party to the action in which this service is made; that at all times herein
5 mentioned I have been employed in the County of Los Angeles and that my business
6 address is 200 No. Main Street, Room 916, CHE, Los Angeles, California 90012.

7 On February 25, 2016, I served the document(s) described as:

8 ANSWER

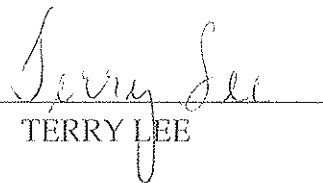
9
10 [] BY PERSONAL SERVICE - I caused the above-referenced documents to be hand
11 delivered to the listed addressee(s) shown on the attached service list.

12 [X] BY U.S. MAIL - placed the envelope for collection and mailing, following our
13 ordinary business practices. I am readily familiar with this business' practice for
14 collecting and processing correspondence for mailing. On the same day that
15 correspondence is placed for collection and mailing. It is deposited in the ordinary
16 course of business with the United States Postal Service, in a sealed envelope with the
17 postage thereon fully prepaid addressed as follows:

18 Donald W. Cook, Esq.
19 3435 Wilshire Boulevard, Suite 2910
20 Los Angeles, CA 90010

21 I declare under penalty of perjury under the laws of the State of California that
22 the foregoing is true and correct.

23 Executed on February 25, 2016, at Los Angeles, California.

24
25 
TERRY LEE